



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND
PLANNING COMMITTEE

www.courts.ca.gov/epmeetings.htm
executiveandplanning@jud.ca.gov

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JCCAccessCoordinator@jud.ca.gov

EXECUTIVE AND PLANNING COMMITTEE

NOTICE AND AGENDA OF OPEN MEETING

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1) and (e)(1))

THIS MEETING IS BEING CONDUCTED BY VIDEOCONFERENCE

THIS MEETING IS BEING RECORDED

Date: Tuesday, December 13, 2022
Time: 12:10 to 1:00 p.m.
Public Videocast: <https://jcc.granicus.com/player/event/2128>

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Members of the public seeking to make a recording of the meeting must submit a written request at least two business days before the meeting. Requests can be emailed to executiveandplanning@jud.ca.gov.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

Approval of Minutes

Approve the following draft minutes:

- November 18, 2022, action by email; and
November 28, 2022, open meeting with closed session.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1))

This meeting will be conducted by videoconference with a livestream available for the public. As such, the public may submit comments for this meeting in writing only. In accordance with rule 10.75(k)(1) of the California Rules of Court, written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be emailed to executiveandplanning@jud.ca.gov. Only written comments received by 12:10 p.m. on Monday, December 12, 2022, will be provided to the committee members prior to the meeting.

III. DISCUSSION ITEMS

Item 1

Agenda Setting for January 20, 2023, Judicial Council Meeting (Action Required)

Review draft reports and set the agenda for the Judicial Council meeting in January.

Presenters: Various

Item 2

Superior Court of Sacramento County: Conversion of Limited-Term Subordinate Judicial Officer Position to Permanent, Supporting Pretrial Pilot Program (Action Required)

Review a recommendation from Office of Court Research staff to confirm a request by the Superior Court of Sacramento County for authorization to convert a limited-term subordinate judicial officer position to a permanent SJO position serving in support of the court's Pretrial Pilot Program.

Presenter: Ms. Leah Rose-Goodwin, Office of Court Research, Business Management Services

IV. ADJOURNMENT

Adjourn



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND
PLANNING COMMITTEE

www.courts.ca.gov/epmeetings.htm
executiveandplanning@jud.ca.gov

EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF ACTION BY EMAIL

Friday, November 18, 2022

12:00 p.m.

Advisory Body Members Who Participated: Hon. Marsha G. Slough (Chair), Hon. Samuel K. Feng (Vice-chair), Hon. Marla O. Anderson, Hon. Judith K. Dulcich, Hon. Carin T. Fujisaki, Hon. Kimberly Merrifield, Hon. Ann C. Moorman, Ms. Gretchen Nelson, and Hon. David M. Rubin

Advisory Body Members Who Did Not Participate: Ms. Rebecca J. Fleming

Committee Staff: Ms. Amber Barnett, Ms. Josely Yangco-Frona, and Mr. Cliff Alumno

ACTION BY EMAIL

As provided in the California Rules of Court, rule 10.75 (o)(1)(B), the chair concluded that prompt action was needed. This action by email concerned a matter that would otherwise be discussed in an open meeting; therefore, in accordance with rule 10.75(o)(2), public notice and the proposal were posted on Thursday, November 17, 2022, to allow at least one complete business day for public comment before the committee took action. No public comments were received.

OPEN DISCUSSION AND ACTION ITEM

Agenda Setting for December 2, 2022, Judicial Council Meeting (Action Required)

Review and consider the eight draft council reports listed below for placement on the December 2, 2022, Judicial Council business meeting agenda.

1. 22-199 Rules and Forms | Civil Practice and Procedure: Enforcement of Judgment Form Revisions (Action Required)
2. 22-172 Rules and Forms | Criminal Law: Definition of Firearm (Action Required)
3. 22-158 Rules and Forms | Criminal Procedure: Criminal Protective Orders and Firearm Relinquishment Order (Action Required)
4. 22-190 Rules and Forms | Criminal Procedure: Request for Dismissal of Conviction for Violation of Penal Code Section 653.22 (Action Required)
5. 22-196 Rules and Forms | Protective Orders: Civil Protective Order Forms Implementing Assembly Bill 1621 (Action Required)
6. 22-195 Rules and Forms | Protective Orders: Elder Abuse Forms Updates to Implement Legislation (Action Required)

7. 22-202 Rules and Forms | Telephone Appearances: Conforming Rules of Court to Senate Bill 233 (Action Required)
8. 22-200 Uniform Bail and Penalty Schedules: 2023 Edition for Traffic, Boating, Forestry, Fish and Game, Public Utilities, Parks and Recreation, and Business Licensing (Action Required)

Action: The committee set the agenda for the December 2, 2022, Judicial Council meeting by approving the eight reports above for placement on the business meeting agenda.

CLOSURE OF ACTION

The action by email concluded at 12:00 p.m. on November 22, 2022.

Approved by the committee on [insert date].

DRAFT



Judicial Council of California

Meeting Agenda

Judicial Council

To view live meeting
visit our website:
www.courts.ca.gov on
January 20, 2023

Meeting materials
are available through
the hyperlinks in
this document.

*Open to the Public Unless Indicated as Closed
(Cal. Rules of Court, rule 10.6(a))*

*Requests for ADA accommodation should be directed to
JCCAccessCoordinator@jud.ca.gov*

Friday, January 20, 2023

San Francisco

CLOSED SESSION (RULE 10.6(b))—PLANNING, PERSONNEL, AND DISCUSSION PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE

Session: 9:00 – 9:30 a.m.

OPEN SESSION (RULE 10.6(a)) — MEETING AGENDA

A link to the live videostream will be available in the Meeting Information Center at the start of the open session. If the closed session adjourns late, the start time of the open session may be delayed.

Open Session Begins: 9:40 a.m.

Call to Order

10 minutes

Public Comment

The Judicial Council welcomes public comment on general matters of judicial administration. Written comments are encouraged in advance of the meeting for specific agenda items so council members can consider them prior to the council meeting.

For more information about meeting attendance and public comment procedures, visit:

<http://www.courts.ca.gov/28045.htm>

*Submit advance requests to speak and written comments for this meeting by 1:00 p.m. on January 18,
by email to:*

judicialcouncil@jud.ca.gov

Approval of Minutes

23-060 **Minutes of December 2, 2022, Judicial Council Meeting**

Chief Justice's Report

20 minutes

Administrative Director's Report

23-061 **Administrative Director's Report**

20 minutes

Judicial Council Internal Committee Presentations

23-065 **Presentation | Executive and Planning Committee**

Speakers: Hon. Marsha G. Slough, Chair

10 minutes

23-062 **Written Reports**

CONSENT AGENDA

5 minutes

A council member may request an item be moved from the Consent Agenda to the Discussion Agenda. Please notify Amber Barnett at 916-263-1398 at least 48 hours before the meeting.

[23-057](#) **Allocations and Reimbursements to Trial Courts | Court Interpreters Program Funding and Allocation Methodology (Action Required)**

Summary: The Trial Court Budget Advisory Committee (TCBAC) recommends an ongoing allocation methodology for Court Interpreters Program funding. The current methodology requires updating because it was intended to be temporary, until the TCBAC's Ad Hoc Interpreter Subcommittee could develop an ongoing workload-based methodology.

[23-053](#) **Equal Access Fund | CARE Act Planning Funds for Legal Services Organizations (Action Required)**

Summary: The Budget Act of 2022 (Assembly Bill 179, Stats. 2022, ch. 249) includes \$250,000 in the Equal Access Fund to be distributed by the Judicial Council through the Legal Services Trust Fund Commission of the State Bar of California to qualified legal services projects and support centers to be used for training, support and coordination of the Community Assistance, Recovery, and Empowerment (CARE) Act. The Legal Services Trust Fund Commission requests approval of this distribution.

[23-054](#)**Judicial Branch Technology | IT Modernization Fund, Branchwide Programs Fiscal Year 2022-23 (Action Required)****Summary:**

The Budget Act of 2022 appropriated funding for judicial branch technology modernization, including \$8 million for branchwide initiatives. The Technology Committee recommends allocating a portion of this funding directly to specific trial courts who are collaborating on branchwide projects that align with the judicial branch's technology goals, thereby expanding the use of technology to best meet branchwide needs.

[23-056](#)**Juvenile Law | Technical Changes to Juvenile Rules and Forms (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee proposes revising four forms to conform to recent statutory changes to section 300 of the Welfare and Institutions Code enacted by Senate Bill 1085 (Kamlager; Stats. 2022, ch. 832). The committee also has identified an error that is technical in nature in a form recently updated in a proposal implementing the federal Family First Prevention Services Act. The committee recommends that these revisions go into effect as soon as possible, without prior circulation, because they are minor, nonsubstantive changes unlikely to create controversy that merely make the forms conform to statute.

[23-036](#)**Pretrial Reform | Bias Mitigation in Pretrial Processing (Action Required)****Summary:**

The Criminal Justice Services office recommends that the Judicial Council receive the *Bias Mitigation in Pretrial Processing* report and direct the Administrative Director to submit this report to the Legislature as mandated by Senate Bill (SB) 36. This report provides recommendations for mitigating bias and disparate effect in pretrial decisionmaking.

[23-018](#)**Trial Court Budget | 2021-22 Final Adjustments for Year-end Fund Balances (Action Required)****Summary:**

Pursuant to Government Code section 77203(b), a trial court may carry over unexpended funds in an amount not to exceed 3 percent of the court's operating budget from the prior fiscal year. The Trial Court Budget Advisory Committee recommends a final one-time allocation reduction adjustment of \$13.9 million related to the fund balance cap in 2021-22 and prior-year excluded funds, as required by Government Code section 68502.5(c)(2)(A), which nets to \$1.8 million after adjusting for \$12.1 million in funds held on behalf of trial court reductions.

[23-017](#)**Trial Courts | Trial Court Trust Fund Funds Held on Behalf of the Trial Courts (Action Required)****Summary:**

The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends 16 new and nine amended Trial Court Trust Fund funds to be held on behalf of the trial courts' requests totaling \$10.2 million from 12 trial courts. Under the Judicial Council-adopted process, a court may request reduced funding as a result

of the court exceeding the 3 percent fund balance cap, to be retained in the Trial Court Trust Fund for the benefit of that court.

DISCUSSION AGENDA

23-008 Judicial Council | 2023 Legislative Priorities (Action Required)

Summary: Each year, the Judicial Council authorizes sponsorship of legislation to further key council objectives and establishes priorities for the upcoming legislative year. In past years, the council's legislative priorities have focused on implementing efficiencies in the courts, investing in the judicial branch, and securing critically needed judgeships. Staff recommends that the Legislation Committee recommend to the Judicial Council a similar approach for the 2023 legislative year.

Speakers: Hon. Marla O. Anderson, Chair, Legislation Committee

15 minutes

[23-059](#) Judicial Branch Technology | Strategic Plan for Technology 2023-2026 (Action Required)

Summary: The Technology Committee and the Strategic Plan Update Workstream appointed by the committee recommend that the Judicial Council adopt the *Strategic Plan for Technology 2023-2026*. The updated plan supersedes the 2019-2022 plan and was developed by analyzing the previous judicial branch technology goals, business drivers, and objectives, as well as by evaluating the benefits and outcomes, and was subsequently refined following circulation for branch and public comment. This plan provides a comprehensive and cohesive technology strategy, with clear, measurable goals and objectives at the branch level.

Speakers: Hon. Kyle S. Brodie, Chair, Technology Committee
Ms. Michelle Duarte, Chief Information Officer, Superior Court of Santa Cruz County
Mr. Jason Galkin, Court Executive Officer, Superior Court of Nevada County

15 minutes

[23-048](#) Trial Courts | Operational Metrics Year One Report (No Action Required)

Summary: The 2022 Budget Act (Ch. 43, Stats of 2022) requires that the Judicial Council annually report to the Legislature on the operations of each trial court that includes various specified operational and budgetary metrics. The Data Analytics Advisory Committee recommends that the Judicial Branch report on a set of metrics that draws on existing data sources for the year one report, which is due February 1, 2023. Over the coming year, the Data Analytics Advisory Committee will consider whether additional metrics would be informative for future reports.

Speakers: Hon. Joyce D. Hinrichs, Chair, Data Analytics Advisory Committee
Ms. Leah Rose-Goodwin, Business Management Services

15 minutes

[23-051](#)**Allocations and Reimbursements to Trial Courts | Allocation of the Firearm Relinquishment Grant Program for Fiscal Years 2022-23 Through 2024-25 (Action Required)****Summary:**

The Budget Act of 2022 (Assem. Bill 178; Stats. 2022, ch. 45) appropriated \$40 million in one-time funding to the Judicial Council, of which \$36 million must be distributed to trial courts to support court-based firearm relinquishment programs. The Family and Juvenile Law Advisory Committee and the Trial Court Budget Advisory Committee recommend that the Judicial Council approve the allocation and distribution of \$18.5 million to seven trial courts for Firearm Relinquishment Grant awards for 2022-23 through 2024-25.

Speakers:

Hon. Stephanie E. Hulse, Cochair, Family and Juvenile Law Advisory Committee
Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Frances Ho, Center for Families, Children & the Courts

10 minutes

[23-052](#)**Allocations and Reimbursements to Trial Courts | Community Assistance, Recovery, and Empowerment (CARE) Act Allocation Methodology (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends an allocation methodology to distribute \$2,828,000 to the seven courts making up the first cohort of courts implementing the Community Assistance, Recovery, and Empowerment (CARE) Act in fiscal year (FY) 2022-23. The committee further recommends that it be directed to develop an allocation methodology for CARE Act funding to the courts in FY 2023-24 and subsequent years.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Charlene Depner, Center for Families, Children & the Courts

20 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)[23-001](#)**Court Facilities | Trial Court Facility Modifications Report for Quarter 1 of Fiscal Year 2022-23****Summary:**

This informational report to the Judicial Council outlines the allocations of facility modification funding made to improve trial court facilities in the first quarter (July through September) of fiscal year 2022-23. To determine allocations, the Trial Court Facility Modification Advisory Committee reviews and approves facility modification requests from across the state in accordance with the council's *Trial Court Facility Modifications Policy*.

[23-050](#) **Equal Access Fund | Report to Department of Finance on
Coronavirus State Fiscal Recovery Funds**

Summary: On January 1, 2023, the Judicial Council’s Center for Families, Children & the Courts submitted to the Department of Finance the included Attachment A: *Coronavirus State Fiscal Recovery Funds Report: Preventing Homelessness Through Legal Services -- Reporting Period: December 1, 2021-June 30, 2022.*

[23-049](#) **Equal Access Fund | Report to Department of Finance on
IOLTA-Formula and Partnership Grants**

Summary: On January 1, 2023, the Judicial Council’s Center for Families, Children & the Courts submitted to the Department of Finance the included Attachment A: *Equal Access Fund Evaluation Report -Reporting Period: January 1, 2022-June 30, 2022.*

[23-011](#) **Report to the Legislature | 2021-22 Annual Report of Court
Facilities Trust Fund Expenditures**

Summary: Pursuant to Government Code section 70352(c), the Judicial Council is required to submit a report on the actual expenditures from the Court Facilities Trust Fund to the Legislature after the end of each fiscal year. On or before December 31, 2022, the Judicial Council’s Budget Services staff submitted the *2021-22 Court Facilities Trust Fund Expenditures*, which reported the fund expended \$162 million in 2021-22.

[23-015](#) **Report to the Legislature | Allocation of New Judgeships Funding
in 2021-22**

Summary: Pursuant to the Budget Act of 2007 (Stats. 2007, ch. 171, 172) the Judicial Council is required to report annually to the Legislature on the allocation of funding for support of new judgeships authorized in 2007-08 until all judgeships are appointed and new staff hired. On or before January 1, 2023, the Judicial Council’s Budget Services staff submitted the Report on Allocation of Funding in 2021-22 for Support of New Judgeships Authorized in 2007-08.

[23-016](#) **Report to the Legislature | Electronic Recording Equipment**

Summary: Government Code section 69958 requires the Judicial Council to report to the Legislature semiannually on the purchase and lease of any electronic recording equipment that will be used to record superior court proceedings. During the reporting period of January 1 to June 30, four courts spent a combined total of \$279,951 for equipment related items.

[23-013](#) **Report to the Legislature | Receipts and Expenditures from Local
Courthouse Construction Funds for 2021-22**

Summary: Pursuant to Government Code section 70403(d), the Judicial Council is required to submit a report accounting for all receipts and expenditures from local courthouse construction funds to the Legislature and the Department of Finance by January 1 of

each year. On or before December 31, 2022, the Judicial Council's Budget Services staff submitted the report on *Receipts and Expenditures From Local Courthouse Construction Funds for 2021-22*.

[23-021](#)**Report to the Legislature | Report on California Rules of Court, Rule 10.75 (Meetings of Advisory Bodies)****Summary:**

The *Supplemental Report of the 2013-2014 Budget Package* requires that the Judicial Council report to the Joint Legislative Budget Committee on implementation of the open meetings rule, rule 10.75, of the California Rules of Court. Under subdivision (p) of the rule, the Judicial Council must review the rule's impact periodically to determine whether amendments are needed. No amendments are needed at this time.

[23-010](#)**Report to the Legislature | State Trial Court Improvement and Modernization Fund Expenditures in 2021-22****Summary:**

Under Government Code section 77209(i), the Judicial Council is required to submit a report on the use of the State Trial Court Improvement and Modernization Fund to the Legislature by December 31 of each year. On or before December 31, 2022, the Judicial Council's Budget Services staff submitted the *Report of State Trial Court Improvement and Modernization Fund Expenditures for 2021-22*.

[23-009](#)**Report to the Legislature | Statewide Collection of Court-Ordered Debt****Summary:**

Pursuant to Penal Code section 1463.010, the Judicial Council is required to submit a report on the information required to be collected and reported pursuant to Government Code section 68514(a), to the Legislature and the Department of Finance by December 31 of each year. On or before December 31, 2022, the Judicial Council's Budget Services staff submitted the *Report on Statewide Collection of Court-Ordered Debt for 2021-22*.

[23-014](#)**Report to the Legislature | Trial Court Trust Fund Revenue, Expenditure, and Fund Balance Constraints for 2021-22****Summary:**

Pursuant to Government Code sections 68502.5(b) and 77202.5(b), the Judicial Council is required to submit a report to the Legislature that provides financial data for trial courts from all fund sources, which is displayed by individual courts with totals and fund balances for all courts. The report must be submitted by December 31 following the close of each fiscal year. On or before December 31, 2022, Judicial Council staff submitted the *Report of Trial Court Trust Fund Revenue, Expenditure, and Fund Balance Constraints for 2021-22* to the Legislature.

[23-055](#)**Trial Courts | Public Notice by Courts of Closures or Reduced Clerks' Office Hours****Summary:**

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices, or reducing clerks' regular office hours; and (2) the council to post all such notices on its website and relay them to the Legislature. This report lists the latest court notices received by the council under this statutory requirement. Since the previous report, one superior court--the Superior Court of Los Angeles County--has issued a new notice.

[23-012](#)**Trial Courts | Quarterly Investment Report for Third Quarter 2022****Summary:**

This quarterly investment report covers the period from July 1, 2022, through September 30, 2022, and provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under the Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004.

Circulating Orders**23-063****Circulating Orders since the last business meeting.****Appointment Orders****23-064****Appointment Orders since the last business meeting.****Adjournment**



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executiveandplanning@jud.ca.gov

EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF OPEN MEETING WITH CLOSED SESSION

Monday, November 28, 2022

Videoconference

1:00 to 3:00 p.m.

Advisory Body Members Present: Hon. Marsha G. Slough (Chair), Hon. Samuel K. Feng (Vice-chair), Hon. Marla O. Anderson, Hon. Judith K. Dulcich, Hon. Carin T. Fujisaki, Hon. Kimberly Merrifield, Hon. Ann C. Moorman, Ms. Gretchen Nelson, and Hon. David M. Rubin

Advisory Body Members Absent: Ms. Rebecca J. Fleming

Committee Staff Present: Ms. Amber Barnett, Ms. Josely Yangco-Fronza, and Mr. Cliff Alumno

Staff Present: Ms. Tina Carroll, Ms. Shelley Curran, Ms. Nicole Davis, Mr. Michael Giden, Ms. Jackie Henke, Ms. Savet Hong, Ms. Donna Ignacio, Mr. Cyrus Ip, Ms. Jamel Jones, Ms. Camilla Kieliger, Ms. Kelly Parrish, Mr. Corey Rada, Mr. Jonathan Sibayan, Ms. Laura Speed, Ms. Millicent Tidwell, and Mr. John Wordlaw

OPEN MEETING

Call to Order and Roll Call

The chair called the open meeting to order at 1:00 p.m., and Mr. Alumno took roll call and made the opening announcements.

Approval of Minutes

The committee reviewed the draft minutes of the November 8, 2022, open meeting.

Action: *With one abstention (Judge Rubin), the committee approved the minutes of the November 8, 2022, open meeting.*

DISCUSSION AND ACTION ITEM

Item 1

2023 Annual Agenda: Trial Court Presiding Judges Advisory Committee (Action Required)

The committee reviewed the draft annual agenda of the Trial Court Presiding Judges Advisory Committee.

Action: *The committee approved the 2023 annual agenda of the Trial Court Presiding Judges Advisory Committee.*

Item 2

2023 Annual Agenda: Court Executives Advisory Committee (Action Required)

The committee reviewed the draft annual agenda of the Court Executives Advisory Committee.

Action: *The committee approved the 2023 annual agenda of the Court Executives Advisory Committee.*

A D J O U R N M E N T

With the business of the open meeting concluded, the meeting was adjourned at 1:20 p.m.

C L O S E D S E S S I O N

Pursuant to California Rules of Court, rule 10.75(d)(1)

Nominations for Out-of-Cycle Appointments to Advisory Bodies

The committee reviewed nominations for out-of-cycle appointments to the following advisory bodies:

- Advisory Committee on Civil Jury Instructions;
- Advisory Committee on Criminal Jury Instructions;
- Advisory Committee on Providing Access and Fairness;
- Center for Judicial Education and Research Advisory Committee;
- Civil and Small Claims Advisory Committee;
- Collaborative Justice Courts Advisory Committee;
- Court Security Advisory Committee;
- Legal Services Trust Fund Commission;
- Probate and Mental Health Advisory Committee; and
- Shriver Civil Counsel Act Implementation Committee.

Action: *The committee developed recommendations to be submitted to the Chief Justice for out-of-cycle appointments to the advisory bodies listed above.*

Adjourned closed session at 3:00 p.m.

Approved by the advisory body on [insert date].



JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date

December 6, 2022

Action Requested

Approve Staff Recommendation

To

Members of the Executive and Planning
Committee

Deadline

December 13, 2022

From

Judicial Council staff
Leah Rose-Goodwin, Manager
Kristin Greenaway, Supervising Research
Analyst
Office of Court Research

Contact

David Smith
415-865-7696 phone
david.smith@jud.ca.gov

Subject

Conversion of Limited-Term Subordinate
Judicial Officer to Permanent, Supporting
Pretrial Pilot Program in Sacramento County

Executive Summary

Office of Court Research staff recommend that the Executive and Planning Committee confirm the request by the Superior Court of Sacramento County for authorization to convert a limited-term Subordinate Judicial Officer (SJO) position to a permanent SJO position serving in support of the court's Pretrial Pilot Program. The court's Pretrial Hearing / Night Court model has been operational since August 2020 and continues to effectively support pretrial operations. Ongoing pretrial funding from Senate Bill 129 (Stats. 2022, ch. 69) will fully fund the SJO position; with the court demonstrating judge and SJO workload need more generally. For these and other reasons, Sacramento is seeking approval to make the SJO position permanent. Confirming this request is consistent with established council policies concerning adjustments to and approval of the number of authorized judicial positions in the courts.

Recommendation

Office of Court Research staff recommend that the Executive and Planning Committee confirm the request by the Superior Court of Sacramento County for conversion of a limited-term SJO position serving in support of the Pretrial Hearing Pilot Program to a permanent SJO position serving in the same role.

Relevant Previous Council Action

In 2007 the Judicial Council adopted a policy for the review and approval of requests from trial courts to change the number of SJO positions and delegate approval authority to its Executive and Planning Committee.¹ Government Code section 71622(a) grants authority to the council to determine the number and type of SJO positions in each trial court.

More specifically, the Judicial Council adopted a policy pertaining to changes in the number and status of SJO positions that, for the purposes of the current request, contained the following elements:

1. To establish a new SJO position, permanently eliminate an SJO position, or change the time base of an existing SJO position, a court must request and obtain approval from the Executive and Planning Committee. The requesting court must fund and bear all costs associated with an additional or augmented SJO position.
2. If an increase in the number of SJO positions is sought, the court must submit a request in writing to the appropriate Judicial Council regional administrative director.² A request must contain a certification by the presiding judge that the court has sufficient funds in its ongoing budget to cover the cost of any additional or augmented position. Judicial Council staff must provide the Executive and Planning Committee with (a) an estimation of the requesting court's ability to fund one-time and ongoing costs resulting from the establishment or augmentation of a new position; and (b) a confirmation of need, both SJO workload and overall judicial need, based on the most recent council-approved Judicial Needs Assessment.
3. The Executive and Planning Committee will authorize new or augmented SJO positions only if (a) the court can continuously fund the associated increased costs, and (b) the most recent council-approved Judicial Needs Assessment demonstrates that the requesting court's SJO workload justifies additional SJO positions and cannot be handled with existing judicial

¹ Judicial Council of Cal., mins. (Feb. 23, 2007), Items 9 and 10, *Subordinate Judicial Officers: Policy for Approval of Number of Subordinate Judicial Officers in Trial Courts*, www.courts.ca.gov/documents/min0207.pdf.

² The position of regional administrative director was eliminated in 2012 as a result of the restructuring of the Administrative Office of the Courts (former name of Judicial Council staff).

resources. The Executive and Planning Committee's decision to change the number or type of SJO positions must be in writing and contain an analysis of the factors underlying the decision.

4. The Executive and Planning Committee will eliminate or decrease the time base of an SJO position on the request of a trial court.

Analysis/Rationale

The request by the Superior Court of Sacramento County for authorization to convert a limited-term SJO position to a permanent SJO position serving in support of the court's Pretrial Hearing Program is based on a number of factors. More specifically, the court's Pretrial/Night Court model has been operational since August 2020 and has effectively supported pretrial operations during this period. Further, the court has identified judge and SJO workload issues that may be alleviated by the conversion of the Limited-Term SJO position to a permanent one; with the court's findings in this area substantiated by the most recent Judicial Needs Assessment study. Finally, the court has indicated that it will experience many judicial retirements in the coming year that will further impact court workload. For these reasons Sacramento is seeking approval to make the aforementioned SJO position permanent.

Confirming the court's request in this matter is within the scope of the Judicial Council's responsibilities under Government Code section 71622(a),³ which delegated authority to the Executive Committee for review and approval of courts' requests to adjust the workload or number of SJOs serving in a court on a temporary and permanent basis.⁴

Policy implications

Confirming the conversion of a temporary SJO position serving in the role described above to a permanent position serving in the same role is consistent with well-established tenets of council policy on SJO positions.

Comments

This proposal, which is consistent with council policy on the status and funding of SJO positions, did not circulate for comment.

Alternatives considered

The proposed confirmation of the request to convert a temporary SJO position to a permanent one is consistent with council policy. On that basis, no alternatives were considered.

³ "Each trial court may establish and may appoint any subordinate judicial officers that are deemed necessary for the performance of subordinate judicial duties, as authorized by law to be performed by subordinate judicial officers. However, the number and type of subordinate judicial officers in a trial court shall be subject to approval by the Judicial Council. Subordinate judicial officers shall serve at the pleasure of the trial court." (Gov. Code, § 71622(a).)

⁴ Judicial Council of Cal., *supra*, Item 10.

Fiscal and Operational Impacts

The court has performed the necessary budget analysis to confirm that it has sufficient funds to pay for the costs associated with this request. Implementing the recommendation would generate no fiscal or operational costs beyond the grant awarded to the judicial branch.

Attachments and Links

1. Attachment A: Letter from Presiding Judge Michael G. Bowman, Superior Court of Sacramento County, to Justice Marsha G. Slough, Executive Committee chair (Nov. 22, 2022)



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

MICHAEL G. BOWMAN
PRESIDING JUDGE
DEPARTMENT 47

November 22, 2022

720 NINTH STREET
SACRAMENTO, CA 95814
(916) 874-5487

Hon. Marsha G. Slough, Chair
Executive & Planning Committee
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102

Re: Request for Permanent Subordinate Judicial Officer Position

Dear Justice Slough and Members of the Executive and Planning Committee:

The Superior Court of California, County of Sacramento, is requesting to convert its limited-term Subordinate Judicial Officer (SJO) position into a permanent position for the Pretrial Program. The current SJO is a dedicated position to the Pretrial Program. The SJO makes pre-arraignment and at arraignment release decisions and presides in a specialized Night Court that is crucial to meeting the goals of the Pretrial Program. Our Pretrial/Night Court model has been in place since August 2020 and successfully supports pretrial operations. Sacramento would like to make the specialized court permanent. The ongoing pretrial funding from SB 129 will fund this position of 1.0 FTE in the SJO time base, salary and benefits included.

Converting the limited-term position into a permanent one will add an SJO position to Sacramento. Since our initial request in 2019, we have had four commissioners retire. Additionally, we have had two commissioners win elections and will be elevated to judges in January 2023.

The SJO who is currently presiding over our specialized Pretrial Night Court was pulled from our Traffic Division and placed into the limited-term position to support the pilot. We then backfilled the Traffic Division vacancy with a Trial Judge. If we are able to convert our limited-term position to permanent, we can keep our SJO in place supporting our pretrial effort, and fill the permanent position we have been holding vacant for him once the pilot ended. We can then pull our Trial Judge back to the main courthouse to resume trials.

Please feel free to contact me at (916) 874-5487 or at BowmanM@saccourt.ca.gov, should you or any member have any questions. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael G. Bowman", is written over a horizontal line.

Michael G. Bowman
Presiding Judge
Sacramento Superior Court